IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 481 OF 2007
IN
SUMMARY SUIT NO. 151 OF 2007.

Shapoorji Pallonji & Co.Ltd. ... Plaintiff.
Versus.
Maharashtra State Road Development Corporation Ltd. and another. ... Defendants.

Shri Prashant Chavan i/by M/s.Little & Co. for Defendant No.1 in support of Chamber Summons.

Shri N.Engineer i/by M/s.Desai & Diwanji for the Plaintiff.

CORAM : ABHAY S.OKA, J.

DATED : 24th August, 2007.

P.C.:

1. Heard the learned Counsel appearing for the 1st Defendant (Maharashtra State Road Development Corporation Ltd.) in support of the Chamber Summons. I have also heard the learned Counsel for the Plaintiff who has opposed the Chamber Summons.

2. The Chamber Summons is taken out for condonation of delay of five days in filing the appearance/vakalatnama on behalf of the 1st Defendant. Opposition to the Chamber Summons is mainly on two grounds, firstly that the delay is f 31 days and not of 5 days as alleged by the Defendant No.1. The second ground is that the averments made in the affidavit-in-support are inconsistence with what has been stated in the letter dated 3rd March 2007 sent by the Advocate on

record for the 1st Defendant to the Advocate for the Plaintiff.

3. The question is only of condoning the delay in filing the appearance/vakalatnama of the 1st Defendant. Though delay may be of more than five days, a liberal approach is contemplated while dealing with such a prayer. In view of what is stated in the affidavit-in-support, the delay deserves to be condoned.

4. Chamber Summons is made absolute in terms of prayer clause (a). There will be no order as to costs.

Judge.